IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
MISC.CIVIL APPLICATION NO.36 OF 2004

Sau.Karuna Tapiraj Bhatt ...Applicant

Vs.

Tapiraj Jagannath Bhatt ...Respondent

CORAM: A.S.OKA, J.
DATED: AUGUST 26, 2004.

P.C.:

1. Heard Counsel appearing for the parties. The Applicant is the wife and the Respondent is the husband. The Respondent-husband has filed a Petition for dissolution of marriage against the Appellant in the Family Court,Bandra,Mumbai. This Application is filed praying for transfer of the said Petition to the Court having jurisdiction at Nashik. The case of the Applicant is that she is a resident of Nashik. It is stated in the Application that it is not possible for the Applicant to attend the Family Court at Bandra,Mumbai. The case of the Applicant is that she is living with her parents. Her father is suffering from heart disease and one of his kidneys also has been removed and therefore, her parents are not in a position to accompany to her whenever the Applicant is required to attend the Court at Bandra,Mumbai. On this ground the transfer is sought by the Applicant.

2. A detailed reply is filed by the Respondent. One of the

contentions raised is that there is a threat to the life of the Respondent from the relative of the Applicant if he enters the city of Nashik. It is contended that no prejudice will be caused to the Applicant if the Petition is heard by the Family Court at Bandra. There is a rejoinder filed by the Applicant in which case made out as regards threat given to the Respondent is specifically denied.

3. As per the law laid down by the Apex Court the convenience of wife is required to be seen in such matters.

In view of this position, I pass the following order :

i) Petition No.A-801 of 2003 pending in the Family Court at Bandra, Mumbai is transferred to the Court of Civil Judge (S.D.), Nashik.

ii) Parties are directed to appear before the learned Civil Judge (S.D.), Nashik on 18th October 2004 for fixing the schedule of hearing.

iii) The learned Judge of the Family Court,Bandra, Mumbai shall transfer the Record and Proceedings of the Petition to the Court at Nashik on production of authenticated copy of this order.

iv) Parties and the Courts below to act upon an ordinary copy of this order duly authenticated by the Court Sheristedar.

v) No order as to costs.

Judge.